CONFLICT OF STATE AND FEDERAL REGULATIONS OF INTERSTATE COMMERCE BEFORE THE LATTER BECOMES OPERATIVE.—In July, 1907, the Northern Pacific Railway Company, in operating a train which was engaged in interstate commerce in the State of Washington, permitted some of the train crew to remain on duty more than sixteen consecutive hours. This was contrary to the federal "hours of service" law of March 4th, 1907, chap. 2939, 34 Stat. at L. 1415, U. S. Comp. Stat. Supp. 1909, p. 1170; but a clause of that act provided that it should not become operative until March 4th, 1908. Therefore the railroad was not liable under the federal act; but the State of Washington sought to enforce a State law, the provisions of which were similar to those in the federal statute. The United States Supreme Court held that the enactment of the federal act precluded a State, during the period between the date of that act and the time when it should go into effect, from enforcing a State law concerning the same subject. *Northern Pac. Ry. Co.* v. *State of Washington* (1912), 32 Sup. Ct. 160.

The court reasoned that the right of the State to apply its police power for the purpose of regulating interstate commerce exists only from the silence of Congress on the subject, and ceases when Congress acts on the subject, or manifests its purpose to call into play its exclusive power. The Supreme Court of Wisconsin, with reference to a similar case, held that Congress postponed the date when this law should become operative because it desired to allow interstate railroads a reasonable time in which to adjust their business to the new restrictions. *State* v. *Chicago, M. & St. P. R. Co.*, 136 Wis. 407, 117 N. W. 686. This practically amounts to saying that Congress intended to suspend all laws on this subject for one year. The Supreme Court of Missouri held that this act, although not yet operative, superseded a similar law of that State; the court said that this federal enactment "must be construed as a notice to all State legislatures, first, that Congress has occupied the ground by its statutory regulations, and second, that in its high wisdom it has prescribed and marked out a transition or preparatory period of one year." *State* v. *Mo. Pac. R. Co.*, 212 Mo. 658, 111 S. W. 500.

Although the decision in the principal case has settled the law on this subject, the contrary holding would have been supported by much reason and authority. "A law must be understood as beginning to speak at the moment it takes effect, and not before. If passed to take effect at a future day, it must be construed as if passed on that day, and ordered to take immediate effect." *Rice* v. *Ruddiman*, 10 Mich. 125. See also *Price* v .*Hopkin*, 13 Mich. 318; *Grant* v. *Alpena*, 107 Mich. 335, 65 N. W. 230; *Galveston, etc., R. Co.* v. *State*, 81 Tex. 572; *Jackman* v. *Garland*, 64 Me. 133; *Evansville etc. R. Co.* v. *Barbee*, 59 Ind. 592; 26 AM. & ENG. ENCY. LAW, Ed. 2, p. 565. The federal Bankrupt Act of 1841 was held not to have superseded the State laws until it went into operation one year after its enactment. *Ex parte Eames*, 2 Story 322; *Larrabee* v. *Talbott*, 5 Gill. (Md.) 426. With reference to the federal Bankrupt Act of March 2nd, 1867, it was held that, in so far as it operated to supersede the State insolvency laws, it did not take effect until the date on which the act was to become fully operative. *Martin* v. *Berry*, 37 Cal. 208; *Day* v. *Bardwell*, 97 Mass. 246; *Chamberlain* v. *Perkins*, 51 N. H. 336; *Augs-*

bury v. *Crossman,* 10 Hun 389. In a case, in which the facts were identical with those in the principal case, it was held that the federal "hours of service" law, during the period before it went into operation, did not supersede a State law on the same subject. The court said:—"We do not see how an act which does not by its own terms become a rule of conduct until a future time, can be said to displace another existing rule on the same subject during the interval between the time of its enactment and the time it becomes operative." *State* v. *Northern Pac. R. Co.,* 36 Mont. 582, 93 Pac. 945. When the principal case was tried in the Supreme Court of Washington that court said that when a law "goes into effect for one purpose it goes into effect for all purposes. So with this statute, it can not be a law between the day of its passage and the day it is made to go into effect, for the sole purpose of superseding the State statute, and not a law for any other purpose." *State* v. *Northern Pac. Ry. Co.,* 53 Wash. 673, 102 Pac. 876.

The effect of the decision in the principal case is to free the railroads from the restraint of any statute whatsoever on this subject during the period between the approval of such an act and the date on which it is to become operative. It is perhaps worthy of notice that in all those cases wherein the decisions are contrary to that in the principal case, the State statute which was sought to be enforced had been enacted before the enactment of the federal statute; while in the cases wherein the decisions agree with the holding in the principal case, the State statute had been enacted subsequent to the enactment of the federal act. The facts of the principal case place it in the latter class. This difference in the facts, although not mentioned as a controlling influence in any of the cases, may have been very influential in causing the courts to reach diverse decisions. P. P. F.

ADVERSE POSSESSION BY AN ALIEN AND THE EFFECT OF STATUTE REMOVING AN ALIEN'S DISABILITY TO INHERIT.—The question whether an alien under disability to inherit at the time of taking possession may acquire title to land by adverse possession was recently passed upon by the Supreme Court of the State of Iowa in the case of *Hanson* v. *Gallagher* (Iowa 1912), 134 N. W. 421. Plaintiff claimed title by adverse possession. He and his brother Patrick came to the United States from Ireland about 1854. Patrick acquired title to the land in controversy by entry under the United States land laws and secured a proper certificate of entry. He died intestate and unmarried in 1859, leaving surviving him plaintiff, his sole relative in the United States, and his father, mother and other sisters and brothers, non-resident aliens. Plaintiff took possession of the premises soon after the death of his brother; procured the issuance to himself of a patent therefor, upon surrender of the certificate of entry which had come into his possession; improved and cultivated the land; paid the taxes thereon, and remained in undisturbed possession for over 20 years. Plaintiff was and is an alien. Prior to 1868 a non-resident alien could not inherit lands in Iowa, but, under an act passed that year, made retroactive in operation, aliens were made capable to inherit. The